

LAW OFFICES
GOLDBERG, GODLES, WIENER & WRIGHT

1229 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036-2413

HENRY GOLDBERG
JOSEPH A. GODLES
JONATHAN L. WIENER
LAURA A. STEFANI
DEVENDRA ("DAVE") KUMAR

(202) 429-4900
TELECOPIER:
(202) 429-4912

e-mail:
general@g2w2.com
website: www.g2w2.com

HENRIETTA WRIGHT
THOMAS G. GHERARDI, P.C.
COUNSEL

THOMAS S. TYCZ*
SENIOR POLICY ADVISOR
*NOT AN ATTORNEY

January 9, 2009

By Electronic Filing

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: ET Docket Nos. 06-135 & 05-213 and RM-11271
Ex Parte Presentation

Dear Ms. Dortch:

On January 2, 2009, Medtronic filed an *ex parte* letter regarding On Semiconductor's request to permit audio applications in the MICS/MEDS upper wing band.¹ In this filing, Medtronic asserts that "the Commission should authorize the proposed MEDS wing-bands at 401- 402 and 405-406 MHz and maintain the established MICS rules at 402-405 MHz in accordance with the July 2006 *MedRadio NPRM*."²

Biotronik assumes that Medtronic's statement concerns its opposition to allowing audio applications in the band, and does not mean to undermine the

¹ Letter from David E. Hilliard to Marlene H. Dortch re *Ex Parte Presentation*, ET Docket Nos. 06-135, 05-213 and 03-92, and RM-11271 (filed Jan. 2, 2009) ("*Medtronic Ex Parte*").

² *Id.* at 4.

consensus position³ with regard to the allowance of a low-power, low duty cycle ("LP-LDC") access method in the center of the MICS band. Consistent with this consensus, Biotronik remains supportive of modifying the proposed rules for the MIC's band with regard to adding LP-LDC devices, as outlined in previous filings⁴.

Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in black ink that reads "Henry Goldberg". The signature is written in a cursive, slightly slanted style.

Henry Goldberg
Laura Stefani
Attorney for Biotronik, Inc.

cc: Julius Knapp
Bruce Romano
Alan Stillwell
Geraldine Matise
Jamison Prime
Gary Thayer
Mark Settle
Charles Mathias

³ See Letter from David E. Hilliard to Julius Knapp, Chief, Office of Engineering and Technology, Federal Communications Commission (dated Jan. 10, 2008).

⁴ See Letter from Henry Goldberg, Attorney for Biotronik, Inc., to Marlene Dortch, Secretary, Federal Communications Commission, Attachment A (filed May 23, 2007) ("Biotronik Presentation") and Letter from Henry Goldberg to Marlene Dortch, Secretary, Federal Communications Commission, Re Ex Parte Presentation (filed Feb. 27, 2008).